

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREGORY S. DAILY,
Plaintiff,

No. C-04-3791 PJH (EMC)

v.

FEDERAL INSURANCE COMPANY, *et al.*,
Defendants.

**ORDER GRANTING DEFENDANT'S
MOTION FOR SHORTENED TIME
AND DEFENDANT'S MOTION TO
COMPEL
(Docket Nos. 110, 112-13)**

Defendant Royal Indemnity Company ("Royal") has filed a motion, asking the Court to compel Plaintiff Gregory S. Daily to produce all motions for summary judgment or summary adjudication, the attending reply briefs, exhibits, declarations, and attachments filed by him and U.S. Bancorp in the state court case *Auerbach Acquisition Assocs., Inc. v. Daily* (Los Angeles Superior Court No. BC 285 134). Royal has asked that the motion to compel be heard on shortened time because of an upcoming mediation. Although Mr. Daily claims that the expedited basis for the motion to compel is unnecessary, he has already filed an opposition to the motion. Therefore, the Court GRANTS the motion for shortened time and considers the merits of Royal's motion to compel. The parties have agreed that there is no need for a hearing on the motion to compel.

Having considered the parties' briefs and accompanying submissions, the Court hereby GRANTS Royal's motion to compel. Under the state court protective order, parties submitting confidential documents are entitled to notice and an opportunity to object to their production in another proceeding. Neither Mr. Daily nor U.S. Bancorp has expressed any fundamental opposition. Auerbach has not objected nor otherwise responded despite notice since July 21, 2005. Although

1 Mr. Daily contends that the documents sought are in fact irrelevant, Royal's request meets the
2 relevancy requirements of Federal Rule of Civil Procedure 26. Given the protective order herein, the
3 Court discerns no prejudice to the production of documents subject thereto. Their production may
4 facilitate the mediation ordered by Judge Hamilton.

5 Accordingly, the requested documents shall be produced under the protective order herein by
6 3:00 p.m., August 1, 2005.

7 This order disposes of Docket Nos. 110, 112, and 113.

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9 IT IS SO ORDERED.

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11 Dated: August 1, 2005

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14 EDWARD M. CHEN
15 United States Magistrate Judge
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